

REMARKS

Applicant has amended his claims herein to better clarify the invention. Claims 1, 20, and 31, are amended herein to recite a multi-accessory vehicle switching device that receives audio input signals from a plurality of vehicle audio accessories including a music source and at least one device selected from the group consisting of a cellular telephone, a radar detector, and a geographic designation system. Support can be found in Paragraph [0039] and in FIG. 1.

Claims 1, 20, and 31, are further amended herein to recite a multi-accessory vehicle switching device comprising an input section, a switching section interconnected with the input section, a controller comprising an instruction set and interconnected with both the input section and the switching section. Support can be found in the Specification at Paragraph [0017] and in FIG. 1.

No new matter has been entered. Reexamination and reconsideration of the application, as amended, is respectfully requested.

Claims 1, 3, 10, 14-16, 19-21, 25-27 and 30-32 stand rejected under 35 USC 102(b) as being anticipated by Ishigaki et al. (US 4,347,5100).

Claims 4-8, 17, 28, and 36 stand rejected under 35 USC 103(a) as being unpatentable over Ishigaki et al. in view of Adams (US 6,594,366).

Claim 9 is rejected under 35 USC 103(a) as being unpatentable over Ishigaki et al. in view of DeLine et al (US 6,420,975).

Claims 13, 24, and 35, stand rejected under 35 USC 103(a) as being unpatentable over Ishigaki et al. in view of Eggers US 5,910,996).

“A claim is anticipated only if each and every element as set forth in the claim is found,

either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed.Cir. 1987); MPEP 2131. Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed.Cir. 1989).

Ishigaki et al. nowhere teach an audio system comprising a plurality of vehicle audio accessories including a music source and at least one device selected from the group consisting of a cellular telephone, a radar detector, and a geographic designation system, as recited by Applicant’s claims 1, 20, and 31, as amended herein. In addition, Ishigaki et al. nowhere teach a vehicle audio system switching device comprising an input section adapted to receive a plurality of signals from a plurality of vehicle audio accessories in combination with a controller comprising an instruction set and interconnected with both the input section and with a switching section, and adapted to receive the plurality of audio signals from the input section, wherein the-switching section is adapted to receive the plurality of audio signals from the input section, to receive the control signals produced by the controller, and to produce an output audio signal, as recited by Applicant’s claims 1, 20, and 31, as amended herein. Because Ishigaki et al. does not teach all the elements of Applicant’s claims 1, 20, and 31, as amended herein, Applicant respectfully submits that claims 1, 20, and 31, as amended herein, are patentable over the teachings of Ishigaki et al.

Ishigaki et al. actually teach away from Applicant’s claims 1, 20, and 31. “A reference may be said to teach away when a person of ordinary skill, upon reading the reference . . . would be led in a direction divergent from the path that was taken by the applicant.” *In re*

Gurley, 27 F.3d 551, 553 (Fed.Cir. 1994).

In FIG. 2, Ishigaki et al. teach one embodiment comprising three input terminals 21, 22, and 23. A separate input signal detector is interconnected with each input terminal. Input signal detector 27 is interconnected with input terminal 21. Input signal detector 28 is interconnected with input terminal 22. Input signal detector 29 is interconnected with input terminal 23. This being the case, Ishigaki et al. teach away from using a controller adapted to receive a plurality of audio signals from an input section, as recited in Applicants' claims 1, 20, and 31.

In FIG. 5, Ishigaki et al. teach a second embodiment comprising three input terminals 21, 22, and 23. Input terminal 21 is interconnected with switch 24 but not with an input signal detector. Input signal detector 28 is interconnected with input terminal 22. Input signal detector 29 is interconnected with input terminal 23. This being the case, Ishigaki et al. once again teach away from using a controller adapted to receive a plurality of audio signals from an input section, as recited in Applicants' claims 1, 20, and 31.

Claims 3, 10, 14-16, and 19, as amended herein, depend, directly or indirectly, from claim 1, as amended herein. Under 35 U.S.C. § 112, fourth paragraph, "a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." Therefore, claims 3, 10, 14-16, and 19, as amended herein, include all the elements of claim 1, as amended herein. This being the case, Applicant respectfully submits that claims 3, 10, 14-16, and 19, as amended herein, are patentable over the teachings of Ishigaki et al.

Claims 21, 25-27, and 30, as amended herein, depend, directly or indirectly, from claim 20, as amended herein. Under 35 U.S.C. § 112, fourth paragraph, "a claim in dependent form

shall be construed to incorporate by reference all the limitations of the claim to which it refers.” Therefore, claims 21, 25-27, and 30, as amended herein, include all the elements of claim 20, as amended herein. This being the case, Applicant respectfully submits that claims 21, 25-27, and 30, as amended herein, are patentable over the teachings of Ishigaki et al.

Claim 32, as amended herein, depends from claim 31, as amended herein. Under 35 U.S.C. § 112, fourth paragraph, “a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.” Therefore, claim 32, as amended herein, includes all the elements of claim 31, as amended herein. This being the case, Applicant respectfully submits that claim 32 is patentable over the teachings of Ishigaki et al.

Adams teaches a device 50 comprising an integrated AM/FM radio and telephone. *See*, FIG. 1. That integrated device comprises a single input jack, wherein either a headphone unit 101 or a headset unit 103 can utilize that single input jack. Col. 1 / Lines 43-50. Adams nowhere teaches a vehicle audio system switching device comprising an input section adapted to receive a plurality of signals from the plurality of vehicle audio accessories in combination with a controller comprising an instruction set and interconnected with both the input section and with a switching section and adapted to receive the plurality of audio signals from the input section, wherein the switching section is adapted to receive the plurality of audio signals from the input section, to receive the control signals produced by the controller, and to produce an output audio signal, as recited by Applicant’s claims 1, 20, and 31, as amended herein. Because Adams does not teach all the elements of Applicant’s claims 1, 20, and 31, as amended herein, Applicant respectfully submits that claims 1, 20, and 31, as amended herein, are patentable over the teachings of Adams.

Adams actually teaches away from Applicant's claims 1, 20, and 31. "A reference may be said to teach away when a person of ordinary skill, upon reading the reference . . . would be led in a direction divergent from the path that was taken by the applicant." *In re Gurley*, 27 F.3d 551, 553 (Fed.Cir. 1994). Adams teaches a system comprising a radio unit controller 202 and a telephone unit controller 200. A person of ordinary skill in the art following the teachings of Adams would find no motivation to use a vehicle audio system switching device comprising a controller comprising an instruction set, wherein that controller receives a plurality of audio signals and produces control signals based upon the instruction set, as recited in Applicant's claims 1, 20, and 31, as amended herein.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP 2143.03; *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Neither Ishigaki et al., nor Adams, singly or in combination, teach or suggest vehicle audio system switching device comprising an input section adapted to receive a plurality of signals from the plurality of vehicle audio accessories in combination with a controller comprising an instruction set and interconnected with both the input section and with a switching section and adapted to receive the plurality of audio signals from the input section, wherein the switching section is adapted to receive the plurality of audio signals from the input section, to receive the control signals produced by the controller, and to produce an output audio signal, as recited by Applicant's claims 1, 20, and 31, as amended herein. Therefore, Applicant respectfully submits that claims 1, 20, and 31, as amended herein, are nonobvious over the combined teachings of Ishigaki et al. and Adams.

Claims 4-8, and 17, as amended herein, depend, directly or indirectly, from claim 1, as

amended herein. Under 35 U.S.C. § 112, fourth paragraph, “a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.” “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP 2143.03; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.Cir. 1988). This being the case, Applicant respectfully submits that claims 4-8, and 17, are patentable over the combined teachings of Ishigaki et al. and Adams.

Claim 28, as amended herein, depends from claim 20, as amended herein. Under 35 U.S.C. § 112, fourth paragraph, “a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.” “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP 2143.03; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.Cir. 1988). This being the case, Applicant respectfully submits that claim 28 is patentable over the combined teachings of Ishigaki et al. and Adams.

Claim 36, as amended herein, depends from claim 31, as amended herein. Under 35 U.S.C. § 112, fourth paragraph, “a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.” “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP 2143.03; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.Cir. 1988). This being the case, Applicant respectfully submits that claim 36 is patentable over the combined teachings of Ishigaki et al. and Adams.

Eggers et al. teach an audio system that provides two simultaneous audio programs. Col. 2 / Lines 10-12. Eggers et al. nowhere teach an audio system comprising a plurality of

vehicle audio accessories including a music source and at least one device selected from the group consisting of a cellular telephone, a radar detector, and a geographic designation system, as recited by Applicant's claims 1, 20, and 31, as amended herein. In addition, Eggers et al. nowhere teach vehicle audio system switching device comprising an input section adapted to receive a plurality of signals from the plurality of vehicle audio accessories in combination with a controller comprising an instruction set and interconnected with both the input section and with a switching section and adapted to receive the plurality of audio signals from the input section, wherein the switching section is adapted to receive the plurality of audio signals from the input section, to receive the control signals produced by the controller, and to produce an output audio signal, as recited by Applicant's claims 1, 20, and 31, as amended herein. Because Eggers et al. does not teach all the elements of Applicant's claims 1, 20, and 31, as amended herein, Applicant respectfully submits that claims 1, 20, and 31, as amended herein, are patentable over the teachings of Eggers et al.

Eggers et al. actually teach away from Applicant's claims 1, 20, and 31. "A reference may be said to teach away when a person of ordinary skill, upon reading the reference . . . would be led in a direction divergent from the path that was taken by the applicant." *In re Gurley*, 27 F.3d 551, 553 (Fed.Cir. 1994). Eggers et al. teach a system wherein a plurality of audio accessories are interconnected with switching circuitry. A person of ordinary skill in the art following the teachings of Eggers et al. would motivation to interconnect a plurality of audio devices directly to switching circuitry. A person of ordinary skill in the art would find no motivation, however, to use a system wherein a controller comprising an instruction set receives a plurality of audio signals from an input section and produces control signals based

upon that instruction set, as recited in Applicant's claims 1, 20, and 31, as amended herein.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP 2143.03; *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Neither Ishigaki et al., nor Eggers et al., singly or in combination, teach or suggest vehicle audio system switching device comprising an input section adapted to receive a plurality of signals from the plurality of vehicle audio accessories in combination with a controller comprising an instruction set and interconnected with both the input section and with a switching section and adapted to receive the plurality of audio signals from the input section, wherein the-switching section is adapted to receive the plurality of audio signals from the input section, to receive the control signals produced by the controller, and to produce an output audio signal, as recited by Applicant's claims 1, 20, and 31, as amended herein. Because Eggers et al. does not teach all the elements of Applicant's claims 1, 20, and 31, as amended herein, Applicant respectfully submits that claims 1, 20, and 31, as amended herein, are nonobvious over the combined teachings of Ishigaki et al. and Eggers et al.

Claim 13, as amended herein, depends from claim 1, as amended herein. Under 35 U.S.C. § 112, fourth paragraph, "a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." MPEP 2143.03; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.Cir. 1988). This being the case, Applicant respectfully submits that claim 13, as amended herein, is patentable over the combined teachings of Ishigaki et al. and Eggers.

Claim 24, as amended herein, depends from claim 20, as amended herein. Under 35

U.S.C. § 112, fourth paragraph, "a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." MPEP 2143.03; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.Cir. 1988). This being the case, Applicant respectfully submits that claim 24, as amended herein, is patentable over the combined teachings of Ishigaki et al. and Eggers.

Claim 35, as amended herein, depends from claim 31, as amended herein. Under 35 U.S.C. § 112, fourth paragraph, "a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." MPEP 2143.03; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.Cir. 1988). This being the case, Applicant respectfully submits that claim 35, as amended herein, is patentable over the combined teachings of Ishigaki et al. and Eggers.

DeLine et al. teach a vehicular sound system wherein at least some of the system components are disposed in a rearview mirror assembly. Col. 2 / Lines 47-50. Applicant respectfully submits that DeLine et al. nowhere teach a vehicle audio system comprising a radar detection device, or a audio switching system which is interconnected with a radar detection device. Rather, DeLine et al. teach that a "cigarette lighter" type of socket could be provided at the rear or bottom of the housing for a rearview mirror "into which a vehicle occupant can plug an electrically operated (typically 12V) accessory such as a radar detector or the like." Col. 30 / Lines 1-6.

"To establish prima facie obviousness of a claimed invention, all the claim limitations

must be taught or suggested by the prior art.” MPEP 2143.03; *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Neither Ishigaki et al., nor DeLine et al., singly or in combination, teach or suggest vehicle audio system switching device comprising an input section adapted to receive a plurality of signals from the plurality of vehicle audio accessories in combination with a controller comprising an instruction set and interconnected with both the input section and with a switching section and adapted to receive the plurality of audio signals from the input section, wherein the-switching section-is-adapted to receive the plurality of audio signals from the input section, to receive the control signals produced by the controller, and to produce an output audio signal, as recited by Applicant’s claims 1 as amended herein.

Claim 9, as amended herein, depends from claim 1, as amended herein. Under 35 U.S.C. § 112, fourth paragraph, “a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.” “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP 2143.03; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed.Cir. 1988). This being the case, Applicant respectfully submits that claim 9, as amended herein, is patentable over the combined teachings of Ishigaki et al. and DeLine et al.

Having dealt with all of the outstanding objections and/or rejections of the claims, Applicants submit that the application as amended is in condition for allowance, and an allowance at an early date is respectfully solicited. In the event there are any fee deficiencies or additional fees are payable, please charge them, or credit an overpayment, to our Deposit Account No. 502262.

Respectfully submitted,

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